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BARRY KLIFF

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BARRY KLIFF,  
  
Plaintiff,  
  
vs.  
  
HEWLETT-PACKARD COMPANY, a  
Delaware Corporation; and DOES 1  
through 50, inclusive.  
  
Defendants.

Case No. C-05-01438 JW

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING DISCOVERY  
CUT-OFF DATE, EXPERT WITNESS  
DISCLOSURE DATES, AND TRIAL  
SETTING CONFERENCE DATES**

1 WHEREAS, the parties filed, and the Court approved, a stipulation on May 4, 2006,  
 2 requesting that the Court continue the scheduled expert disclosure and discovery cut-off dates  
 3 because the parties believed the case was ripe for Defendant to file a summary judgment motion  
 4 and it was in their best interests, as well as the Court's, to litigate Defendant's summary judgment  
 5 motion before expending further time and resources completing discovery, including additional  
 6 depositions and expert discovery;

7 WHEREAS, the parties filed, and the Court approved, a stipulation on September 12,  
 8 2006, requesting that the Court continue the scheduled expert disclosure and discovery cut-off  
 9 dates again because the Court continued the hearing date on Defendant's summary judgment  
 10 motion until September 25, 2006 due to its unavailability, and then to October 3, 2006, due to  
 11 Plaintiff's request;

12 WHEREAS, the Court took Defendant's motion under submission following the hearing  
 13 on October 3, 2006;

14 WHEREAS, the parties filed, and the Court approved, a stipulation on October 18, 2006,  
 15 requesting that the Court continue the scheduled expert disclosure and discovery cut-off dates  
 16 again pending the Court's ruling on Defendant's summary judgment motion so that the parties  
 17 could avoid expending further time and resources completing discovery, including additional  
 18 depositions and expert discovery;

19 WHEREAS, Defendant's summary judgment motion is still pending;

20 THEREFORE, the parties stipulate and hereby respectfully request that the Court issue an  
 21 order continuing the following dates as indicated so that the parties can avoid expending further  
 22 time and resources completing discovery, including additional depositions and expert discovery,  
 23 until the Court rules on Defendant's motion:


- 24 1) Last day for designated expert witnesses to produce their Rule 26 Reports is
- 25 January 5, 2007;
- 26 2) Last day for Fact Discovery and Expert Discovery is January 26, 2007;
- 27 3) Last day to file/lodge the Preliminary Pretrial and Trial Setting Conference

28 Statement and Proposed Order with chambers is February 16, 2007;

1 4) The Preliminary Pretrial and Trial Setting Conference is February 26, 2007.

2  
3 MORGAN, LEWIS & BOCKIUS LLP

4 DATED: November <sup>6</sup>~~13~~, 2006

5   
6 Alexander Nestor  
7 Attorneys for Defendant Hewlett-Packard  
8 Company

9 LAW OFFICES OF BARRY B. KAUFMAN, APC


10 DATED: November 16, 2006

11   
12 Barry B. Kaufman  
13 Attorney for Plaintiff Barry Kliff

14 **ORDER**

15 Pursuant to the parties' STIPULATION, and GOOD CAUSE having been shown therefor,  
16 IT IS SO ORDERED:

17 DATED: 11/17/2006

18   
19 The Honorable James Ware  
20 United States District Judge